

No. 30, 253 Equity 5034  
31, 037  
Petitioner's  
Exhibit  
No 1

Construction  
purchase money

90,000.00  
60,000.00

Rec'd for Record May 23 1978 At 3:56 O'clk P M Same Day Recorded & Ex'd per Charles C. Keller, CLK

INDIVIDUAL & CORPORATE

City and County Form — Construction

This Mortgage, made this 12<sup>th</sup> day of May, in the year one thousand, nine hundred and seventy-eight, between Fairway Industries, Inc., a body corporate of the State of Maryland; Harold L. Baumgartner and Audrey S. Baumgartner, his wife

of in the State of Maryland, Mortgagor, and the KEY FEDERAL SAVINGS AND LOAN ASSOCIATION, a body corporate, duly incorporated and existing under the laws of the United States of America, Mortgagee:

WHEREAS, said Mortgagor, being a member of said body corporate, has received therefrom an advance of One Hundred Fifty Thousand and no/100 (\$150,000.00) Dollars, receipt of which is hereby acknowledged by the Mortgagor, being part of the purchase money for the property hereinafter described; is hereby pledged as security for said advance.

AND WHEREAS, said Mortgagor has agreed to repay the said sum so advanced in installments, with interest at the rate of 10% per annum from the date hereof MAY 23-78 B #2 826 \*\*\*594.00 MAY 23-78 B #2 825 \*\*\*13.00 payable commencing on the first day of June, 1978, and thereafter at the rate of 10%.

By the payment of interest only on the first day of each month per annum in the manner following: on the total monies advanced; then by the payment of the whole principal sum one year from the date hereof.

For each unimproved lot that is to be released, the Mortgagor shall pay to the Mortgagee an amount equal to 115% of the pro rate principal balance of the Mortgage applicable to such unimproved lot. Unimproved lot shall mean a lot without any dwelling upon it.

The due execution of this mortgage having been a condition precedent to the granting of said advance;

NOW, THEREFORE, THIS MORTGAGE WITNESSETH, that in consideration of the premises, and of the sum of one dollar, the said Mortgagor does grant, convey and assign unto the said Mortgagee, its successors and assigns, all the lot(s) of ground situate and lying in Frederick County in said State, and described as follows:

BEING KNOWN AND DESIGNATED FOR THE FIRST as Lots Nos. 1-A, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13-A, 14 and 25 as shown on a Plat entitled Final Plat, Plat No. One, Section II, Potomac Estates, which Plat is recorded among the Land Records of Frederick County in Plat Book No. 16 folio 161.

BEING KNOWN AND DESIGNATED FOR THE SECOND as Lots Nos. 17, 18, 19, 21, 22, and 23 as shown on a Plat entitled Final Plat, Plat No. Two, Section II, Potomac Estates which Plat is recorded among the Land Records of Frederick County in Plat Book 16 folio 166.

BEING KNOWN AND DESIGNATED FOR THE THIRD as Lot No. 16 as shown on a Plat entitled Final Plat, Plat No. Three, Section II, Potomac Estates which Plat is recorded among the Plat Records of Frederick County in Plat Book No. 16 folio 189.

BEING FOR THE FIRST, SECOND, AND THIRD the same property which by Deed of even date herewith and recorded or intended to be recorded among the Land Records of Frederick County immediately prior hereto was granted and conveyed by William R. Clow and wife, unto Fairway Industries, Inc.

THE AFORESAID Harold L. Baumgartner and Audrey S. Baumgartner join in the execution hereof to assure and guarantee to the Mortgagee the prompt and faithful performance of the covenants, terms and conditions contained herein, including but not limited to the obligation to repay the indebtedness contained herein. Said liability of the within Co-Mortgagors/guarantors to be primary and not secondary, to be joint and several. Said Mortgagee may proceed against said Co-Mortgagors/guarantors without first proceeding against Mortgagor. Said guarantee to binding on the heirs, assigns, and personal representatives of Co-Mortgagors/guarantors.

Recording Fee	13.-
Md. Stamp Tax	594.-
	\$607.-

Exhibit filed February 17, 1981

Signature

112457